

**REMARKS**

The Applicant presents this Amendment in response to the Office Action of July 27, 2006 and the Interview of Oct. 27, 2006. The Amendment reflects agreements reached in the Interview. Accordingly, the Applicant believes the case is now in condition for allowance. To the extent that any objections or rejections are still outstanding, the Applicant traverses them.

Claims 1-3 5-10 and 12-41 are now pending in the case.

Claims 4 and 11 were cancelled without prejudice.

Claims 1, 3, 8, 10, 15, 22, 24, 17, 30, and 33 have been amended to be more clear.

Claims 36-41 have been added. Support for such claims may be found at page 15, lines 12 to page 16, line 8 of the specification, among other places.

***Claim Rejections 35 U.S.C. §103***

At paragraph 2 of the Office Action, claims 1-35 were rejected under 35 U.S.C. §103(a) over Crockett, U.S. Patent No. 5,590,188 (hereinafter Crockett), in view of Bell et al., U.S. Patent No. 6,549,619 (hereinafter Bell).

The Applicant notes that Bell was filed on Dec. 1<sup>st</sup>, 1999, approximately 6 month before the Applicant's priority date. While the Applicant does not admit Bell has actual prior art status, even assuming arguendo Bell is prior art, the reference would not anticipate or make obvious the Applicant's claims as explained below.

The Applicant's amended claim 1, representative in part of the other rejected claims, sets forth:

1. A method for controlling call routing by a communication system, comprising:

receiving a call;

executing a script in response to receiving said call, said script having instructions that when executed by the system control routing of said call in the system, the *script including at least one call routing instruc-*

*tion that references a variable, a value of the variable being a telephone number of a destination of the call;*

reading the value for said variable from a database, *said database including a plurality of telephone numbers of destinations*, said database having said value updated in response to action by a user; and

setting the variable equal to the value, to determine the destination of the call in response to the value.

Crockett discloses a script driven call routing processor, which executes rules to route telephone calls. Each rule contains a condition portion and an action portion. *See* col. 4, lines 33-34. The condition portion may be a comparison to a “time of day, day of week, calling number information, caller-entered digits, estimated call delays” etc. *See* col. 4, lines 34-38. The action portion may contain an indication of a destination call centers, represented in Crockett’s pseudo code by the terms “Chicago”, “Boston”, “Denver”, and “Seattle” etc. *See* col. 13, lines 23-31, col. 14, lines 21-39. The destination call centers are hard-coded into the rules of the script, i.e. “Chicago”, “Boston”, “Denver”, and “Seattle” are explicitly written in the rules.

Bell describes a method for automatically administering incoming and outgoing call services such as call screening. *See* abstract. A “privileged caller list” is constructed containing the telephone numbers of frequent incoming callers that are allowed direct access to a subscriber. *See* col. 5, lines 21-24. A subscriber “may manually update/change the privileged caller list” for incoming callers to change the callers who have access. *See* col. 5, lines 26-27.

In the Office Action at paragraph 2, the Examiner likens the Applicant’s claimed variable to Crockett’s “time of day” and “day of week” conditions, stating “*time of day and day of week are variables.*” Further, the Examiner urges that rules that include these conditions “specify” a destination of the call, stating “*where Crockett discussed a value of the variable, i.e. ANI from Eastern, Central, Mountain, Texas, New Jersey etc., specify a destination of the call, for example, ANI from Eastern, prefer routing call to Boston.*”

The Applicant understands the Examiner's interpretation and has amended the claim language to be more clear. The Applicant's claim 1 now reads a "value of the variable being a telephone number of a destination of the call." Accordingly, the Applicant believes the Examiner's previous interpretation is no longer applicable to the amended claims.

The Applicant respectfully urges that the combination of Crockett and Bell does not suggest the amended claim limitation which reads "***at least one call routing instruction that references a variable, a value of the variable being a telephone number of a destination of the call***". Indeed Crockett teaches away from such operation. In Crockett, destinations of calls are hard-coded into the rules of the script. For example Crockett's pseudo code explicitly references destination call centers "Chicago", "Boston", "Denver", and "Seattle."

Suppose, in a system built according to Crockett, one desires to delete the "Chicago" call center, and replace it with a new "Tulsa" call center. To do so, they would need to modify each rule that mentions "Chicago", for example by cutting and pasting the new destination "Tulsa" over place "Chicago" was originally written. If even one appearance of "Chicago" is overlooked, i.e. not changed to "Tulsa," the script will not function correctly, misrouting calls. When a large number of rules are involved (for example, the extended list of rules shown in Crockett in columns 10-13) the entire process becomes burdensome and error prone. This very shortcoming is described in the Background Section of the present Application. Specifically, the Applicant states at page 3, lines 9-18:

***Heretofore, such labels have been expressly recited in the scripts' instructions.*** That is, heretofore, the labels have been expressed in the scripts as specific constant numerical values corresponding to e.g., particular destination telephone numbers, trunk groups, and/or DNIS numbers. ***Unfortunately, this makes modification of the labels in the scripts difficult, as such modification may require e.g., line-by-line searching and replacement of code in the scripts (i.e., to change the values of the labels), and also makes less modular the script code. As a result, a significant burden may be placed upon script programmers in terms of script coding and debugging time, effort, and frustration.*** Additionally, the use

of constant value labels in the scripts decrease adaptability and flexibility of the scripts for use in other call routing applications.

Thus Crockett serves as an example of the prior systems whose shortcoming the Applicant has improved upon.

Further, the shortcomings of Crockett are not remedied by combination with Bell. First, Bell does not even include a database of telephone numbers of **destinations**, instead storing in its database a list of **incoming** caller's numbers. i.e., **sources** of calls. Second, one would have to selectively ignore the many portions Crockett that teach a rule should explicitly identify a destination call center, in order to combine in Bell's database. There is no use for a database if the information is already in the rule. The Applicant respectfully urges the need to selectively ignore contrary teachings, i.e. teachings which teach away from the claims, cuts against any motivation to combine.

Accordingly, the Applicant respectfully requests reconsideration of the rejections and urges the references are legally insufficient to make obvious the present claims under 35 U.S.C. §103 because of the absence of the Applicant's claimed novel "***at least one call routing instruction that references a variable, a value of the variable being a telephone number of a destination of the call***" and "***said database including a plurality of telephone numbers of destinations.***"

### ***Double Patenting***

At paragraph 3 of the Office Action claims 1-35 were rejected under the judicially created doctrine of double patenting. The Applicant files a Terminal Disclaimer herewith and accordingly believes such rejection is overcome.

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.


All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims.

The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

  
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